WP(C) 1594/2007
BEFORE
THE HON'BLE MR JUSTICE AFTAB H SAIKIA

Heard the learned counsel for the parties including the learned Standing Counsel , Naharkatia Town Committee (for short, ' the Committee').

Keeping in view the issue raised in this writ petition and also upon hearing the learned counsel for the parties, this Court proposes to dispose of this writ petition to-day itself at the Admission stage.

The pleaded case as expressed in this writ petition is that although the petitioner is found to be the highest bidder after withdrawal of the earlier two highest bidders from the fray of the settlement of the Naharkatia Daily Market (for short,'the Market') , the authority is contemplating to settle the market with Respondent No.4 in clear violation of the provision of law so laid down under the Assam Municipal Act, 1956 (for short,'the Act') and the Rules framed there under namely, Rules for Procedure for the Sale of Pounds and Market by Municipal Board and Town Committee of Assam (for short, 'the Rule')and accordingly, a prayer has been made to issue a Writ of Mandamus directing the authorities to grant settlement of the Market in favour of the petitioner.

The respondents including the Committee as well as the private respondent No.4 have refuted the contentions and statements so made in this writ petition by submitting their respective affidavits.

The stand of the Committee is that till date no settlement whatsoever has been made with the respondent No.4 as claimed by the writ petitioner. At the same breath, the learned counsel for the respondent No.4 has forcefully contended that the writ petition itself is premature as no action as indicated in the writ petition, has yet been taken by the Committee.

On close perusal of the pleadings exchanged by and between the parties, and having heard the submission of the learned counsel for the parties, this Court is of the considered view that the ends of justice would be satisfied, if this writ petition stands closed to-day itself with a direction to the respondent No.3 ,the Committee, to settle the market in strict adherence to the law laid down in the Act as well as the Rules. It is ordered accordingly.

This disposes of the writ petition.